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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/770,716

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EXAMINER

JONES, HEATHER RAE

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/770,716

Applicant(s)

KWOK ET AL.

Examiner

HEATHER R. JONES

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5 and 6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3, 5 and 6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3, 5, and 6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takimoto (U.S. Patent 5,966,496) in view of Koyabu et al. (U.S. Patent 7,379,655).

Regarding claim 1, Takimoto discloses a video recorder comprising: a source of a digital stream representing a video signal in one of a plurality of video standards; means for recording the digital stream on a medium as a recording among a plurality of recordings (col. 11, lines 61-63); means for recording an indicator of the video standard for the recording (col. 12, lines 8-11); means for detecting the video standard of the video signal thereby generating the indicator (Fig. 1; col. 3, lines 64-67); wherein the recording means automatically starts a further recording when the detecting means detects a change in the video standard and suppresses starting automatically a further recording when the detecting means does not detect a change in the video standard (Fig. 3; col. 3,

lines 35-67 – displays that every track has a subcode that identifies the track's video standard, which means that one track cannot have more than one kind of video standard recorded in it. Therefore, when the video standard changes the tracks will contain a different subcode, otherwise it will continue to use the same subcode.). However, Takimoto fails to explicitly disclose a plurality of programs on the recording medium as well as automatically finalizing the current recording of a program before starting a new recording of a program.

Referring to the Koyabu et al. reference, Koyabu et al. discloses recording a plurality of programs on the same medium (Fig. 1; col. 5, lines 9-22 – the CPU compiles a list of programs recorded on the medium (30)); and when one of the recordings is finished the recording is finalized by finishing the metadata for the program and if another program is to be recorded the next one is started after the previous recording has been finalized (Fig. 5 – steps SP11-SP13; col. 7, line 66 - col. 8, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have finalized one recording before recording another program on the same medium as disclosed by Koyabu et al. in the video recorder disclosed by Takimoto in order to effectively record several programs on one recording medium instead of using a new recording medium for each program and to finalize the recording by updating the metadata for the program in order to efficiently find the program on the medium. Furthermore, Takimoto fails to disclose if the new video standard that is detected is for a new program or

a different frame in the same program so it is broad enough to be read either way and when combined with the Koyabu et al. reference the new standard can indicate a recording of a new program.

Regarding claim 3, Takimoto discloses a process for recording a digital stream on a medium as a recording among a plurality of recordings, the digital stream representing a video signal in one of a plurality of video standards, with the steps of: detecting the video standard of the video signal (Fig. 1; col. 3, lines 64-67); recording an indicator of the video standard for the recording (col. 12, lines 8-11); suppressing recording the digital stream as a further recording if no change in the video standard of the video signal is detecting; detecting a change in the video standard of the video signal (the CPU detects the video standard); and recording the digital stream as a further recording (Fig. 3; col. 3, lines 35-67 – displays every track has a subcode that identifies the track's video standard, which means that one track cannot have more than one kind of video standard recorded in it. Therefore, when the video standard changes the tracks will contain a different subcode, otherwise it will continue to use the same subcode.). However, Takimoto fails to explicitly disclose a plurality of programs on the recording medium as well as automatically finalizing the current recording of a program before starting a new recording of a program.

Referring to the Koyabu et al. reference, Koyabu et al. discloses recording a plurality of programs on the same medium (Fig. 1; col. 5, lines 9-22 – the CPU compiles a list of programs recorded on the medium (30)); and when one of the

recordings is finished the recording is finalized by finishing the metadata for the program and if another program is to be recorded the next one is started after the previous recording has been finalized (Fig. 5 – steps SP11-SP13; col. 7, line 66 - col. 8, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have finalized one recording before recording another program on the same medium as disclosed by Koyabu et al. in the video recorder disclosed by Takimoto in order to effectively record several programs on one recording medium instead of using a new recording medium for each program and to finalize the recording by updating the metadata for the program in order to efficiently find the program on the medium. Furthermore, Takimoto fails to disclose if the new video standard that is detected is for a new program or a different frame in the same program so it is broad enough to be read either way and when combined with the Koyabu et al. reference the new standard can indicate a recording of a new program.

Regarding claim 5, Takimoto discloses a process for recording a digital stream on a medium, the digital stream representing a video signal in one of a plurality of video standards, with the steps of: recording the digital stream as a first recording (col. 11, lines 61-63); suppressing recording automatically the digital stream as a second recording if no change from a first video standard to a second video standard is detected; detecting a change from the first video standard to the second video standard (the CPU detects the video standard);

recording the digital stream as a second recording (Fig. 3; col. 3, lines 35-67 – displays every track has a subcode that identifies the track's video standard, which means that one track cannot have more than one kind of video standard recorded in it. Therefore, when the video standard changes the tracks will contain a different subcode, otherwise it will continue to use the same subcode.). However, Takimoto fails to explicitly disclose a plurality of programs on the recording medium as well as automatically finalizing the current recording of a program before starting a new recording of a program.

Referring to the Koyabu et al. reference, Koyabu et al. discloses recording a plurality of programs on the same medium (Fig. 1; col. 5, lines 9-22 – the CPU compiles a list of programs recorded on the medium (30)); and when one of the recordings is finished the recording is finalized by finishing the metadata for the program and if another program is to be recorded the next one is started after the previous recording has been finalized (Fig. 5 – steps SP11-SP13; col. 7, line 66 - col. 8, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have finalized one recording before recording another program on the same medium as disclosed by Koyabu et al. in the video recorder disclosed by Takimoto in order to effectively record several programs on one recording medium instead of using a new recording medium for each program and to finalize the recording by updating the metadata for the program in order to efficiently find the program on the medium. Furthermore, Takimoto

fails to disclose if the new video standard that is detected is for a new program or a different frame in the same program so it is broad enough to be read either way and when combined with the Koyabu et al. reference the new standard can indicate a recording of a new program.

Regarding claim 6, Takimoto in view of Koyabu et al. discloses all the limitations as previously discussed with respect to claim 5 including the step of: recording an indicator of the second video standard for the second recording of a program (Takimoto: Fig. 3; col. 12, lines 8-11 and 18-22 – displays every track has a subcode that identifies the track's video standard; Koyabu et al.: Fig. 1; col. 5, lines 9-22 – recording more than one program on a medium).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. De Haan (U.S. Patent 6,957,009) discloses data allocation on a DVD and in Figs. 5B and 5C multiple programs (titles) recorded on the same recording medium are shown.
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
October 29, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621